

Hyde County Board of Commissioners
AGENDA ITEM SUMMARY SHEET

Meeting Date: July 2, 2018
Presenter: Chairman Earl Pugh, Jr.
Attachment: No

ITEM TITLE: OPENING

SUMMARY: Call to Order
Opening Prayer
Pledge of Allegiance

Hyde County Board of Commissioners
AGENDA ITEM SUMMARY SHEET

Meeting Date: July 2, 2018
Presenter: Chairman Earl Pugh, Jr.
Attachment: Yes

ITEM TITLE: CONSIDERATION OF AGENDA

SUMMARY: Attached is the proposed Agenda for the July 2, 2018 Regular Meeting of the Hyde County Board of Commissioners.

RECOMMEND: Review, Amend and Approve.

Motion Made By: ☐ Earl Pugh, Jr.
☐ Barry Swindell
☐ Dick Tunnell
☐ Ben Simmons
☐ Tom Pahl

Motion Seconded By: ☐ Earl Pugh, Jr.
☐ Barry Swindell
☐ Dick Tunnell
☐ Ben Simmons
☐ Tom Pahl

Vote: ☐ Earl Pugh, Jr.
☐ Barry Swindell
☐ Dick Tunnell
☐ Ben Simmons
☐ Tom Pahl

AGENDA

HYDE COUNTY BOARD OF COMMISSIONERS' REGULAR MEETING

TUESDAY, JULY 2, 2018 – 6:00 PM

CALL TO ORDER

CONSIDERATION OF AGENDA

CONSIDERATION OF MINUTES

June 5, 2018

- Regular Meeting Minutes

June 27, 2018

- Special Meeting Minutes

PUBLIC HEARINGS (none)

INTRODUCTIONS

- 1) Pat Bertke, Director MATTIE – Seafood Festival

PRESENTATIONS

- 1) Resolution To Honor The Memory of Tony Spencer Earl Pugh, Jr.
- 2) Senior Tar Heel Legislature Delegate Update Jan Moore
- 3) Early Voting Changes by NCGA Viola Williams

EMPLOYEE RECOGNITION

PUBLIC COMMENTS

Public Comments are a time for the public to make comments to the County Commissioners. Comments should be kept to three (3) minutes or less and comments should be directed to the entire Board and not to individual members, the staff or to other members of the public. Comments requesting assistance will typically be referred to the County Manager for follow-up or for Board action at a future meeting.

ITEMS OF CONSIDERATION

- 1) **Ordinances, Resolutions, Proclamations** (none)
- 2) **Appointments** – Swan Quarter Watershed Steering Committee Debbie Cahoon
- 3) Designation of Voting Delegate to NCACC Annual Conference Kris Noble

- 4) Traffic – NC DOT Construction Agreement Kris Noble
- 5) Commercial Lease – Ocracoke Tram Project Kris Noble
- 6) Colocation of Telecommunications Equipment on Existing Tower Donnie Shumate
on Bishop Road, Scranton
- 7) Talking Points – DSS Letter Laurie Potter
- 8) Tunnell Plat Kris Noble
- 9) Dark Woods Farm Subdivision Kris Noble

BUDGET MATTERS (none)

MANAGEMENT REPORTS

The Commissioners, County Manager and Assistant County Manager will share with the public their various activities and ideas for continuous improvement of government services to the citizens.

PUBLIC COMMENTS

The public is invited to use this time to make comments to the County Commissioners on items discussed during this meeting and/or matters not discussed earlier in the meeting.

CLOSED SESSION (discussion and possible action if required)

ADJOURN

SUPPLEMENTAL INFORMATION

Department Reports

- 1) Tax Department (requires signature)
- 2) Inspections
- 3) **Human Resources**
- 4) IT Department
- 5) Health Department
- 6) Department of Social Services
- 7) Senior Center
- 8) **Soil & Water**
- 9) Cooperative Extension
- 10) Airport

Informational Items

- 1) CAC Quarterly/ Annual Visitation Report – Cross Creek Health Care

**Hyde County Board of Commissioners
AGENDA ITEM SUMMARY SHEET**

Meeting Date: July 2, 2018
Presenter: Lois Stotesberry, Clerk
Attachment: Yes

ITEM TITLE: CONSIDERATION OF MINUTES

SUMMARY: Attached are the June 5, 2018 Regular Meeting Minutes of the Hyde County Board of Commissioners.

RECOMMEND: Review, Amend and Approve.

Motion Made By: ☐ Earl Pugh, Jr.
☐ Barry Swindell
☐ Dick Tunnell
☐ Ben Simmons
☐ Tom Pahl

Motion Seconded By: ☐ Earl Pugh, Jr.
☐ Barry Swindell
☐ Dick Tunnell
☐ Ben Simmons
☐ Tom Pahl

Vote: ☐ Earl Pugh, Jr.
☐ Barry Swindell
☐ Dick Tunnell
☐ Ben Simmons
☐ Tom Pahl

Regular Meeting Minutes

**Board of County Commissioners
Hyde County**

Tuesday, June 5, 2018

Following opening prayer by Commissioner Swindell and Pledge of Allegiance, Chairman Earl Pugh, Jr. called the Regular Meeting of the Hyde County Board of Commissioners to order at 6:00p.m., on Tuesday, June 5, 2018, in the Hyde County Government Center, Multi-Use Room, and the Ocracoke Community Center using electronic conferencing equipment.

The following members were present on the mainland: Chairman Earl Pugh, Jr.; Vice-chairman Barry Swindell; Commissioners Ben Simmons, Tom Pahl and Dick Tunnell; County Manager Bill Rich; Assistant County Manager Kris Noble; Attorney Franz Holscher; Clerk to the Board Lois Stotesberry; IT Director Donnie Shumate; and, members of the public.

Teresa Adams, operated the electronic conferencing equipment, and members of the public were present on Ocracoke.

Consideration of Agenda:

Commissioner Swindell moved to approve the Tuesday, June 5, 2018 Board of Commissioners Regular Meeting Agenda as presented by the Clerk with addition of Presentation No. 2 – Alligator Hunting; No. 3 – Tom Harrison – Extended Coyote Hunting/Trapping; and, Items of Consideration No. 9 – Engineering Services CDBG-DR (Davis School roof); No. 10 – Tower Request – Sadie Weston Road; No. 11 – Fairfield Drainage District; No. 12 – Senate Bill on Aquaculture; and, No. 13 Gift of Engelhard Marine Park. Consideration Item No. 8 – NACo Voting Delegate was deleted from the agenda. Mr. Pahl seconded the motion. The motion passed on the following vote: Ayes – Pugh, Pahl, Swindell, Tunnell and Simmons; Nays – None; Absent or not voting – None.

Consideration of Minutes:

May 7, 2018 – Regular Meeting

Commissioner Pahl moved to approve the May 7, 2018 Hyde County Board of Commissioners Regular Meeting Minutes as presented by the Clerk. Mr. Simmons seconded the motion. The motion passed on the following vote: Ayes – Pugh, Pahl, Swindell, Tunnell and Simmons; Nays – None; Absent or not voting – none.

May 14-15, 2018 – Budget Workshop Meeting

Commissioner Pahl moved to approve the May 14-15, 2018 Hyde County Board of Commissioners Budget Workshop Meeting Minutes as presented by the Clerk with correction on page 5 line 6 – ~~JCPC Coordinator~~ Agriculture Agent and page 7 line 11 – ~~increased~~ decreased. Mr. Simmons seconded the motion. The motion passed on the following vote: Ayes – Pugh, Pahl, Swindell, Tunnell and Simmons; Nays – None; Absent or not voting – none.

Public Hearings:

CDBG Neighborhood Revitalization Grant Project

Commissioner Swindell moved to open Public Hearing on CDBG-NR Grant Project. Mr. Simmons seconded the motion. The motion passed on the following vote: Ayes – Pugh, Pahl, Swindell, Tunnell and Simmons; Nays – None; Absent or not voting – none.

Hearing no public comment, Commissioner Simmons moved to close Public Hearing on CDBG-NR Grant Project. Mr. Pahl seconded the motion. The motion passed on the following vote: Ayes – Pugh, Pahl, Swindell, Tunnell and Simmons; Nays – None; Absent or not voting – none.

Commissioner Pahl moved to approve a CDBG Neighborhood Revitalization (NR) Grant Project Application and to award the grant administration services contract to Holland Consulting Planners (HCP). Mr. Tunnell seconded the motion. The motion passed on the following vote: Ayes – Pugh, Pahl, Swindell, Tunnell and Simmons; Nays – None; Absent or not voting – none.

FY2018-2019 Hyde County Budget

Commissioner Swindell moved to open Public Hearing on the FY2018-2019 Hyde County Budget. Mr. Simmons seconded the motion. The motion passed on the following vote: Ayes – Pugh, Pahl, Swindell, Tunnell and Simmons; Nays – None; Absent or not voting – none.

Hearing no public comment, Commissioner Swindell moved to close Public Hearing on the FY2018-2019 Hyde County Budget. Mr. Simmons seconded the motion. The motion passed on the following vote: Ayes – Pugh, Pahl, Swindell, Tunnell and Simmons; Nays – None; Absent or not voting – none.

Presentations:

ABC Board

Meredith Nicholson, ABC Board Chair, presented an update on the Hyde County ABC Board's financial status. She reported sales were down due to the extended power outage but the bottom line is the same as last year. Painting and lighting upgrades are planned for the Ocracoke store. Shelving projects are planned for both stores.

Commissioner Pahl moved to re-appoint current ABC Board member John Giagu of Ocracoke to another three (3) year term running from July 1, 2018 to June 30, 2021. Mr. Simmons seconded the motion. The motion passed on the following vote: Ayes – Pugh, Pahl, Swindell, Tunnell and Simmons; Nays – None; Absent or not voting – none.

Alligator Hunting

Kris Noble, Assistant County Manager, reported at its May 7, 2018 Board of Commissioners meeting the Board unanimously authorized staff and Chairman Earl Pugh, Jr. to complete and sign the Local Population Reduction Alligator Hunt Application. Ms. Noble continued discussion on Alligator Management Options for Municipalities. She reported the NCWRC adopted rule (H6) to allow limited take of American alligators. In accordance with the Alligator Management Plan, a local population reduction hunt may be requested by a municipality (NCGS § 160A-1(2)) within Alligator Management Unit 1 (Brunswick, Carteret, Columbus, Craven, Hyde, Jones, New Hanover, Onslow, Pamlico and Pender counties). Information is available online at www.ncwildlife.org/alligator; or e-mail: wildlifehelpline@ncwildlife.org.

Robert Wayne, North Carolina Wildlife Resources Officer, reported on issues related to the alligator population in Hyde County.

Evin Stanford, Private Lands Program Coastal Plain Supervisor, presented statistics on the alligator population in Hyde County districts.

Chris Turner, District 1 Biologist, reported wildlife over-population controls itself by disease.

Extended Coyote Hunting/Trapping

Tom Harrison, Manager with Mattamuskeet Ventures I, LLC, from Plymouth, NC discussed "wildlife terrorists". Mr. Harrison reported coyotes have up to 19 pups each. He presented statistics from a University of Georgia study that confirms trapping is the only effective way to control the coyote population. He recommends a 2 to 4 week trapping season and all traps off the ground during deer hunting season.

1 **Marco Gibbs**, hunter/trapper, of Engelhard, recommends year-round hunting/trapping of coyotes. He reported hunting
2 coyote is best in March and April.

3
4 Chairman Pugh and Assistant County Manager Noble will continue to follow this issue and report their findings.
5

6 **Juvenile Jail Facility**

7 Guire Cahoon, Hyde County Sheriff, learned in a meeting with NCDPS Deputy Secretary for Juvenile Justice, Jim
8 Lassiter, that the adult criminal justice system age has been raised from 16 to 18. The nearest juvenile facility is in Pitt
9 County and houses only 13 inmates. The next available facility is in Wake County. Sheriff Cahoon reported the
10 currently vacant Hyde County Jail can be utilized for a juvenile jail facility that will house 36 inmates.
11

12 Kris Noble, Assistant County Manager, will present update and options for the facility at the next regularly scheduled
13 Board of Commissioners meeting on July 2, 2018 at 6:00p.m. in the Hyde County Government Center, Multi-Use Room,
14 and the Ocracoke Community Center using electronic conferencing equipment.
15

16 **Employee/ Volunteer/ Friend of The Month:**

17 Bill Rich, County Manager, thanked the Board of Commissioners for their continued cooperation over the past 5 years
18 and 4 months. This is Mr. Richs' last meeting as manager.
19

20 **Public Comment:**

21 **Peter Vankevich and Connie Leinbach, Ocracoke Observer** – discussed over-population of raccoons and plans to
22 control the raccoon population on Ocracoke Island.
23

24 Kris Noble, Assistant County Manager referred Ocracoke citizens to Chris Turner, NCWRC District 1 Biologist, to
25 introduce options to control the raccoon population on the Island.
26

27 Commissioner Pahl will follow up.

28 **Items of Consideration:**

29 **Resolution Authorizing County Manager to Reconcile Department Budgets**

30 Bill Rich, County Manager, presented request to reconcile departmental budgets prior to year-end closeout under the
31 following conditions:

- 32 • **Transfer amounts between objects of expenditure within a department except salary amounts without limitations.**
33 • **Transfer amounts up to \$10,000.00 between departments of the same fund with an official report of such transfers to be**
34 **made available for approval at the next meeting of the Board of Commissioners.**
35 • **Not transfer any amounts between funds nor from contingency within any fund.**
36 • **Assign legal costs to departments based upon the legal issue involved.**
37

38 Commissioner Pahl moved to adopt "Resolution Authorizing County Manager To Reconcile Department Budgets".
39 Mr. Swindell seconded the motion. The motion passed on the following vote: Ayes – Pugh, Pahl, Swindell, Tunnell
40 and Simmons; Nays – None; Absent or not voting – none.
41

42 *Clerk's Note: A copy of "Resolution Authorizing County Manager To Reconcile Department Budgets" is attached*
43 *herewith as Exhibit A and incorporated herein by reference.*
44

Resolution – Relating To The Budget For Fiscal Year 2018-2019

Bill Rich, County Manager, presented “Resolution Relating To The Budget For Fiscal Year 2018-2019”.

The Board of Commissioners adopts its goals regarding items contained within the “FY2018-2019 Hyde County Budget”.
The Hyde County Board of Commissioners shall:

1. Continue to make economic development projects related to value added agriculture, commercial fishing, aquaculture and tourism high priority with a goal of creating quality job opportunities and increasing the tax base.
2. Continue to support community development projects for the betterment of our citizens.
3. Continue to support the expansion of infrastructure services to the citizens of the County.
4. Continue to expect a high level of customer service for citizens in all interactions with County government.

The Board of Commissioners adopts the following County Manager’s objectives regarding items contained within the “FY2018-2019 Hyde County Budget”, and additional expectations and commitments.

The Hyde County Board of Commissioners shall:

1. Continue to maintain a healthy unassigned fund balance.
2. Operate within the adopted budget with an emphasis on cost savings and reduced expenses.
3. Continue to support cooperative efforts with US Fish and Wildlife, North Carolina Wildlife Resources Commission, the National Park Service, North Carolina Department of Transportation/Ferry Division, and Dare County to increase eco-friendly tourism on both the Mainland and Ocracoke Island.
4. Continue developing a public/private partnership for the Mattamuskeet Lodge.
5. Maintain a highly developed EMS Department.
6. Support established Beaufort County Community College satellite campus and Beaufort-Hyde-Martin Library at the Davis Center.
7. Continue to work with our Lobbyist to maintain total communication with our state and federal elected officials.
8. NO INCREASES in ferry tolls. Establish State funding of all new ferries and promote possible elimination of all ferry tolls.
9. Continue total support of passenger ferry service between Hatteras and Ocracoke, and the corresponding infrastructure that goes along with this adventure. Continue exploration for restoration of the short route.
10. Implement a debit/credit billing system in the Tax Office in conjunction with our new Farragut software system.
11. Increase Hyde County tax collection rate by two percentage points.
12. Continue economic development through the Revolving Loan Fund.
13. Continue to develop an internal self-sustaining IT department which will become a profit center for Hyde County.
14. Create a non-emergent ambulatory service through our EMS on Hyde’s mainland which will be self-sustaining and will also become a profit center for Hyde County.
15. Stay active in the community via Meals on Wheels, Senior Center, 4-H Center and continue our support of Hotline, Food Bank, Chamber, Engelhard Recreation Park, and Ocracoke Community Park.
16. Use FEMA lands for community and County use; gardens, vineyards, and planted trees.
17. Continue to be responsible stewards of our magnificent county.

Commissioner Pahl reported Hyde County is losing revenue as a result of tax increase which is partially responsible for low collections.

Commissioner Swindell moved to adopt “Resolution Relating To The Budget For Fiscal Year 2018-2019” with addition to No. 10 – Increase collections by 2% as recommended by Commissioner Pahl. Mr. Pahl seconded the motion. The motion passed on the following vote: Ayes – Pugh, Pahl, Swindell, Tunnell and Simmons; Nays – None; Absent or not voting – none.

Clerk’s Note: A copy of “Resolution Relating To The Budget For Fiscal Year 2018-2019” is attached herewith as Exhibit B and incorporated herein by reference.

Hyde County FY2018-2019 Budget Ordinance

Bill Rich, County Manager, presented “An Ordinance of the Board of County Commissioners of Hyde County, North Carolina, Relating To The Fiscal Year 2018-2019 Budget”.

Manager Rich reported two (2) typographical corrections have been made:

1 **Article XVI – Other Provisions – Section 1 (b)** – He may transfer amounts up to ~~\$25,000.00~~ \$10,000.00 between
2 departments of the same fund with an official report of such transfers at the next regular meeting of the Board of
3 Commissioners.

4 **Article XX – Tax Levy** – A public hearing on this Budget Ordinance was held on June 4~~th~~ 5th, 2018. This Budget
5 Ordinance was adopted on the 4~~th~~ 5th day of June, 2018.

6 Manager Rich reported the following tax rate(s) have been levied:

7 **Article XX – Tax Levy – Section 1** – There is hereby levied at the rate of \$0.77 per One Hundred Dollars (\$100)
8 valuation of property listed for taxes as of January 1, 2018, for the purpose of raising the revenue listed in the General
9 Fund, Article II., Section 2, of this Ordinance. Ocracoke Mosquito Control Tax Rate is levied at the rate of \$0.01 per
10 One Hundred Dollars (\$100) valuation of property listed.

11 **Article XX – Tax Levy – Section 1** – The rate of tax as shown in Sections 1 above is based upon a total valuation of
12 property for the purpose of taxation of \$905,398,842 and vehicles of \$40,000,000 and an estimated collection rate of
13 95.56% for real property and 100.00% for vehicles.

14 Commissioner Pahl reported the Ocracoke Mosquito Control Board voted to propose a \$0.005 tax increase for
15 Ocracoke for the 2019-2020 Budget.

16 Following Board of Commissioners' discussion about the \$0.04 tax increase, tax collection rate concerns, and its
17 impact on prospective investors in Hyde County, Commissioner Swindell moved to adopt "An Ordinance of The
18 Board of County Commissioners of Hyde County, North Carolina, Relating to The FY2018-2019 Budget". Mr.
19 Simmons seconded the motion. The motion passed on the following vote: Ayes – Pugh, Pahl, Swindell, Tunnell and
20 Simmons; Nays – None; Absent or not voting – none.

21 *Clerk's Note: A copy of "An Ordinance of The Board of County Commissioners of Hyde County, North Carolina,
Relating To The FY2018-2019 Budget" is attached herewith as Exhibit C and incorporated herein by reference.*

22
23 **Governing Body Resolution – Municipal Insurance Trust of North Carolina**

24 Bill Rich, County Manager, reported certain municipalities and other units of local government of the State of North
25 Carolina, as defined in G.S. 160-A-460(2), have agreed to create the Municipal Insurance Trust of North Carolina and
26 have agreed to pool the risks associated with the provision of benefits for their designated benefit plan participants
27 pursuant to, and to be governed by, the provisions of North Carolina General Statutes 160A-460 *et. seq.* (Part 1 of
28 Article 20 of Chapter 160A).

29 Mr. Rich reported there is a one-time fee of \$400.00 to become a member of the Trust. He reported this insurance plan
30 saved Hyde County 21% or approximately \$147,000.00.

31 Commissioner Pahl moved to become a member of the Municipal Insurance Trust of North Carolina, adopt
32 "Governing Body Resolution County of Hyde" and "Interlocal Agreement for a Group Self-Insurance Pool for Benefit
33 Risk Sharing". Mr. Simmons seconded the motion. The motion passed on the following vote: Ayes – Pugh, Pahl,
34 Swindell, Tunnell and Simmons; Nays – None; Absent or not voting – none.

35 *Clerk's Note: A copy of "Governing Body Resolution County of Hyde" is attached herewith as Exhibit D and incorporated
herein by reference.*

36
37 *Clerk's Note: A copy of "Interlocal Agreement for a Group Self-Insurance Pool for Benefit Risk Sharing" is attached
herewith as Exhibit E and incorporated herein by reference.*

1 **Personnel Policy Revisions**

2 Tammy Blake, Human Resources Director, reported Hyde County's current Personnel Policy needs to address non-
3 exempt shift employees who work when other non-exempt employees are off. The suggested revisions would not
4 increase the budget. Ms. Blake consulted Sylvia Johnson (Personnel Consulting, Inc.) who is in agreement with
5 recommended changes to the policy. Recommended revisions:

6 **Article IV. Section 18. Overtime for FLSA Non-exempt Employees – B. Hours Worked – 2.** If a non-exempt
7 employee is required to work on a County designated or actual holiday, the hours worked on that day will be paid at
8 straight time and the employee will receive the number of hours of sick leave as were actually worked.

9 **Article VI. Section 1. Paid Holidays Observed.** When a holiday falls on a Saturday or Sunday, County observation will
10 be on the Friday before or Monday following the holiday. Non-exempt employees who work shifts and are regularly
11 scheduled on holidays are exempt from the above rule. If a non-exempt employee is required to work on the actual or
12 County observed holiday, the hours worked on that day will be paid at straight time and the employee will receive the
13 number of hours of sick leave as were actually worked.
14

15
16 **Article VI. Section 5. Adverse Weather Conditions.** Certain employees work in positions that are critical to providing
17 support services to the citizens of the County, regardless of the weather conditions and whether or not the County
18 Departments and Offices are operating. Department Heads designate these essential positions, with approval from the
19 County Manager. Certain Departments, such as the Emergency Management Services, Communications Services, Water
20 Department and the Sheriff's Office are always essential to the operations of the County; others may be based on the
21 needs at the particular time. If a non-exempt employee is required to work after other non-exempt County employees
22 have been dismissed for adverse weather, the additional hours worked on that day will be paid at straight time and the
23 employee will receive the number of hours of sick leave as were actually worked.
24

25 Commissioner Tunnell moved to approve Personnel Policy revisions as presented. Mr. Pahl seconded the motion.
26 The motion passed on the following vote: Ayes – Pugh, Pahl, Swindell, Tunnell and Simmons; Nays – None; Absent
27 or not voting – none.
28

29 **Bradford & Mary Swain Refund**

30 Linda Basnight, Tax Administrator, reported it appears that due to a clerical error the Bradford and Mary Swain lot has
31 been over-valued ever since they purchased the lot in 2012 and they have requested a refund of the taxes paid incorrectly.

32 Ms. Basnight reported as a result of the decision of the 2018 Board of Equalization and Review it was discovered that a
33 lot owned by the Swains was valued incorrectly and the Board agreed to reduce the value from \$210,000.00 to
34 \$82,500.00, which is the value of other similar size improved lots. The comparable used was a lot owned by Virginia
35 Moss. Since the Board of E&R agreed to reduce the value to that of other similar size improved lots, the value of the lot
36 owned by Virginia Moss was used as a basis for the requested refund of the overpayment of taxes for the years 2012
37 through 2015. Adjustment has already been made to the 2016 and 2017 tax based on the 2018 Board of Equalization and
38 Review decision. Ms. Basnight requested that a refund of property taxes overpaid be issued to Bradford & Mary Swain
39 in the amount of \$1,849.78.

40 Bill Rich, County Manager, will meet with Linda Basnight, Tax Administrator, to discuss further and negotiate the
41 amount of refund to be made to the Swains. Mr. Rich will present the negotiated refund amount at the next regularly
42 scheduled Hyde County Board of Commissioner meeting at 6:00p.m., on Monday, July 2, 2018, in the Hyde County
43 Government Center, Multi-Use Room, and the Ocracoke Community Center using electronic conferencing equipment.

1 **Signatory Authorization**

2 Commissioner Swindell moved to approve signatory authorization for Kris Noble, County Manager, and Mimi Van
3 Nortwick, Assistant Finance Officer, as requested by Corrinne Gibbs, Finance Officer. Mr. Pahl seconded the motion.
4 The motion passed on the following vote: Ayes – Pugh, Pahl, Swindell, Tunnell and Simmons; Nays – None; Absent
5 or not voting – none.

6 **Dare County Fireworks Application**

7 Justin Gibbs, Emergency Services Director, announced Hyde County's July 4th celebration will be held on July 3rd
8 at the NPS Boat Launch, 49 Water Plant Road, Ocracoke, NC. He reported in accordance with NCGS 5414.413 only
9 Hyde County (the jurisdiction where the pyrotechnics show will happen) can authorize the Fire Marshal to sign the
10 Firework – Permit Application.

11 Commissioner Pahl moved to authorize the Dare County Fire Marshal who is contracted with Hyde County to sign
12 the Firework – Permit Application. Mr. Simmons seconded the motion. The motion passed on the following vote:
13 Ayes – Pugh, Pahl, Swindell, Tunnell and Simmons; Nays – None; Absent or not voting – none.

14 **DHHS/DSS Written Agreements**

15 Laurie Potter, DSS Director, reported Session Law 2017-41 requires all counties to enter into an annual agreement
16 with the Department of Health and Human Services for all social services programs excluding medical assistance
17 (Medicaid). The law requires the agreement to contain certain performance requirements and administrative
18 responsibilities related to the social services program.

19 Commissioner Swindell moved to approve Chairman Pugh signing "Memorandum of Understanding (MOA)
20 (Fiscal Year 18-19) Between the North Carolina Department of Health and Human Services and Hyde County – A
21 Written Agreement Pursuant to NCGS108A-74, An Act of The North Carolina General Assembly" and, to direct
22 County Attorney Holscher to review the MOA by June 30, 2018. Mr. Simmons seconded the motion. The motion
23 passed on the following vote: Ayes – Pugh, Pahl, Swindell, Tunnell and Simmons; Nays – None; Absent or not voting
24 – none.

25
26 Ms. Potter also requested Board of Commissioners approval to include "Signing Statement Regarding The
27 Memorandum of Understanding (Fiscal Year 2018-19) Between the North Carolina Department of Health and Human
28 Services Division of Social Services and The Hyde County Department of Social Services". No action was taken.
29

30 **Bid Opening Meeting for FY2016 and HMGP Rescopement Elevations**

31 Chris Hilbert, Project Manager, Holland Consulting Planners, reported on Friday, June 1, Gary Miller of HCP
32 conducted a bid opening meeting to receive bids from contractors for the FY2016 and HMGP Rescopement Elevation
33 projects. Bids were received from Paul Woolard Construction, B&B Construction, Gilbert Everett Builders, Inc. and
34 Goose Creek Construction. After evaluating the four (4) bids, Gilbert Everett Builders, Inc. of Bath, NC was
35 recommended for the projects based on the lowest bid submitted.
36

37 Commissioner Swindell moved to approve awarding the contract for the FY2016 and HMGP Rescopement Elevation
38 projects to Gilbert Everett Builders, Inc. of Bath, NC. Mr. Pahl seconded the motion. The motion passed on the
39 following vote: Ayes – Pugh, Pahl, Swindell, Tunnell and Simmons; Nays – None; Absent or not voting – none.
40

41 **Engineering Services for CDBG-DR – Davis School Roof Repair Project**

42 Commissioner Simmons moved to award the CDBG-DR contract for the Davis School Roof Repair Project to REI
43 Construction, LLC contingent upon approval by the State of the one proposal submitted by REI. Mr. Swindell
44 seconded the motion. The motion passed on the following vote: Ayes – Pugh, Pahl, Swindell, Tunnell and Simmons;

Nays – None; Absent or not voting – none.

Sadie Weston Road Tower

Kris Noble, Assistant County Manager, presented request from Blue Wave Development to install an antenna on the tower on Sadie Weston Road, Swan Quarter.

Donnie Shumate, IT Director, recommended moving forward with the Blue Wave Development request.

Commissioner Pahl moved to approve Blue Wave Development's request to install an antenna on the tower on Sadie Weston Road in Swan Quarter pending submission of the required application. Mr. Tunnell seconded the motion. The motion passed on the following vote: Ayes – Pugh, Pahl, Swindell, Tunnell and Simmons; Nays – None; Absent or not voting – none.

Fairfield Drainage District

Commissioner Ben Simmons reported Fairfield Drainage District did not complete its \$386,000.00 FEMA grant project by deadline. An extension has been requested. Mr. Simmons asked if in the event an extension is approved that Hyde County pay all related invoices and the County would be reimbursed when FEMA funds are received. No action taken.

Senate Bill on Aquaculture and Natural Resources

Kris Noble, Assistant County Manager, presented report on a Senate Bill on Aquaculture and Natural Resources in North Carolina that would allow a shellfish company to purchase 300 acres in eastern North Carolina waters to grow a successful oyster industry in the State. No action requested.

Gift Engelhard Marine Park

Kris Noble, Assistant County Manager, reported the State gifted the Engelhard Marine Park to Perquimans County and is now interested in gifting the Engelhard Marine Park back to Hyde County.

Commissioner Swindell moved to send a letter to Perquimans County asking that the Engelhard Marine Park property be gifted back to Hyde County. Mr. Simmons seconded the motion. The motion passed on the following vote: Ayes – Pugh, Pahl, Swindell, Tunnell and Simmons; Nays – None; Absent or not voting – none.

Budget Transfers:

Earl Pugh, Jr., Chairman presented the following budget transfers for Board of Commissioners approval.

•	<u>Administration</u> – Fiscal Year-End Entries – Departmental	\$144,538.75
	– Fiscal Year-End Entries – Capital Reserve	\$100,934.50
	– Fiscal Year-End Entries – Tram Project – General Fund ..	\$100,934.50
	– Swan Quarter Dike Budget	\$ 25,000.00
	– West Quarter Budget	\$ 25,000.00
•	<u>Court</u> – Facility Fees	\$ 2,500.00
•	<u>DSS</u> – Crisis Intervention Payment	\$ 2,500.00
•	<u>ADAP</u> – Fiscal Year Entries	\$ 6,000.00
•	<u>Senior Center</u> – Fiscal Year Entries	\$ 1,200.00

- 1 • **Utilities** – Fiscal Year Entries – Maintenance & Repairs \$ 26,000.00
- 2 – Fiscal Year Entries – Vehicle Maintenance \$ 8,200.29
- 3 • **Solid Waste** – Fiscal Year Entries – Site Improvements & Salaries \$ 20,000.00

4 Commissioner Swindell moved to approve departmental budget transfers as presented. Mr. Pahl seconded the motion.
5 The motion passed on the following vote: Ayes – Pahl, Pugh, Simmons, Tunnell and Swindell; Nays – None; Absent
6 or not voting – none.

7 8 **Management Reports:**

9 **Chairman Earl Pugh, Jr.** – attended two Airport Board meetings, NCACC Legislative Assembly, Trillium meeting in
10 Washington, a shellfish industry meeting and the 23rd Annual Seafood Dinner in Raleigh. Mr. Pugh thanked Manager
11 Rich for his service to Hyde County.

12 **Vice-chair Barry Swindell** – continues to develop a Recreation Committee and is attending Little League games.

13 **Commissioner Dick Tunnell** – thanked Manager Rich for his service to Hyde County.

14 **Commissioner Ben Simmons** – attended the funeral of Engelhard Volunteer Fire Department Chief Tony Spencer.
15 Mr. Simmons reported Tony Spencer was instrumental in grants awarded to the County fire departments.

16 **Commissioner Tom Pahl** – participated in a Tourism Study on Ocracoke, attended Ocracoke Civic and Business
17 Association, Ocracoke Township Tourism Development Authority and Mosquito Control Board meetings. Mr. Pahl
18 attended the NC Land Trust Fundraiser. He reported on the Island Inn project progress.

19 **County Manager Bill Rich** – attended meetings on the new Ocracoke EMS station and reported the lot appraised for
20 \$110,000.00. Mr. Rich reported tax issues are significant and recommended it be kept under control.

21 **Assistant County Manager Kris Noble** – attended meetings where alligator hunting and oyster farming was discussed.
22 She reported on Farragut Software tax conversion, CAMA permitting, maintenance at the AWAS system on the Island,
23 local food resources and the Opioid Task Force. She also reported Hyde County has received \$1.7 million FMA and
24 CDBG funding and she plans to apply for another \$1.5 million. She will be starting business plans with County
25 departments.

26 **Public Comments:**

27 Hearing no comments from the public, Chairman Pugh continued the meeting.

28 **Closed Session** (none)

29 30 **Adjourn**

31 Commissioner Simmons moved to adjourn the meeting. Mr. Swindell seconded the motion. The motion passed on the
32 following vote: Ayes – Pahl, Pugh, Tunnell, Swindell and Simmons; Nays – None; Absent or not voting – None.

33 The meeting adjourned at 9:05p.m.

34
35 Respectfully submitted:

36
37 Minutes approved on the 2nd day of July, 2018.
38
39
40

1 Attest:
2
3
4

5 _____
6 Lois Stotesberry, CMC, NCCCC
7 Clerk, Hyde County Board of Commissioners
8

5 _____
6 Earl Pugh, Jr.
7 Chair, Hyde County Board of Commissioners
8

9 **Attachments:**

10 **Exhibit A: “Resolution Authorizing County Manager To Reconcile Department Budgets”**

11 **Exhibit B: “Resolution Relating To The Budget For Fiscal Year 2018-2019”**

12 **Exhibit C: “An Ordinance Of The Board of County Commissioners of Hyde County, North Carolina, Relating To**
13 **The FY2018-2019 Budget”**

14 **Exhibit D: “Governing Body Resolution County of Hyde”**

15 **Exhibit E: “Interlocal Agreement for a Group Self-Insurance Pool for Benefit Risk Sharing”**

**Board of County Commissioners
Hyde County**

Wednesday, June 27, 2018

Chairman Earl Pugh, Jr. called the Special Meeting of the Hyde County Board of Commissioners to order at 7:00a.m., on Wednesday, June 27, 2018, in the Hyde County Government Center, Multi-Use Room, and the Ocracoke Community Center using electronic conferencing equipment.

The following members were present on the mainland: Chairman Earl Pugh, Jr.; Commissioners Ben Simmons, and Dick Tunnell; Assistant County Manager Kris Noble; Clerk to the Board Lois Stotesberry; IT Director Donnie Shumate and, Finance Officer Corrinne Gibbs.

Vice-chairman Barry Swindell, Commissioner Tom Pahl and County Attorney Franz Holscher were absent.

County Manager Bill Rich and Teresa Adams were present on Ocracoke.

Consideration of Agenda:

Commissioner Simmons moved to approve the Wednesday, June 27, 2018 Board of Commissioners Special Meeting Agenda as presented by the Clerk with consideration of the June 5, 2018 regular meeting minutes held until the next regular meeting on Monday, July 2, 2018. Mr. Tunnell seconded the motion. The motion passed on the following vote: Ayes – Pugh, Tunnell and Simmons; Nays – None; Absent or not voting – Pahl and Swindell.

Budget Matters – Fiscal Year-End Entries:

Corrinne Gibbs, Finance Officer presented the following budget transfers that required Board of Commissioners approval by the end of Fiscal Year 2017-2018.

Administrative – Finance

• Fiscal Year-End Revisions – Departments	\$133,000.00
– EMS Building Project	\$ 11,760.00
• Capital Reserve – General Fund	\$ 11,760.00
• Education – ART 40 – Sales Tax Collections	\$ 30,000.00
– ART 42 – Sales Tax Collections	\$ 20,000.00
• ABC Rehab – Bottle Tax	\$ 1,500.00
• Mainland Occupancy Tax – Collections	\$ 10,000.00
• 4-H – Fees Collected	\$ 6,000.00
• Soil & Water – Conservation Stewardship Endowment	\$ 14,014.66

Commissioner Simmons moved to approve fiscal year-end budget transfers as presented. Mr. Tunnell seconded the motion. The motion passed on the following vote: Ayes –Pugh, Simmons and Tunnell; Nays – None; Absent or not voting – Pahl and Swindell.

1 **Public Comments:**

2 Hearing no comments from the public, Chairman Pugh continued the meeting.

3 **Closed Session** (none)

4

5 **Adjourn**

6 Commissioner Simmons moved to adjourn the meeting. Mr. Tunnell seconded the motion. The motion passed on the
7 following vote: Ayes – Pugh, Tunnell and Simmons; Nays – None; Absent or not voting – Pahl and Swindell.

8 The meeting adjourned at 7:45a.m.

9

10 Respectfully submitted:

11

12 Minutes approved on the 2nd day of July, 2018.

13

14

15

16

Attest:

17

18

19

20

Lois Stotesberry, CMC, NCCCC
Clerk, Hyde County Board of Commissioners

21

22

23

24

Earl Pugh, Jr.
Chair, Hyde County Board of Commissioners

Attachments: (none)

Hyde County Board of Commissioners
AGENDA ITEM SUMMARY SHEET

Meeting Date: July 2, 2018
Presenter: Chairman Earl Pugh, Jr.
Attachment: Yes

ITEM TITLE: RESOLUTION IN HONOR OF THE MEMORY OF TONY SPENCER

SUMMARY: The Hyde County Board of Commissioners issues this resolution in honor of the memory of Tony Spencer for his thirty plus years of service to the citizens of Hyde County.

RECOMMEND: Present Certificate.

Motion Made By: ☐ Earl Pugh, Jr.
☐ Barry Swindell
☐ Dick Tunnell
☐ Ben Simmons
☐ Tom Pahl

Motion Seconded By: ☐ Earl Pugh, Jr.
☐ Barry Swindell
☐ Dick Tunnell
☐ Ben Simmons
☐ Tom Pahl

Vote: ☐ Earl Pugh, Jr.
☐ Barry Swindell
☐ Dick Tunnell
☐ Ben Simmons
☐ Tom Pahl



**BOARD OF COMMISSIONERS
OF THE COUNTY OF HYDE,
NORTH CAROLINA**

**RESOLUTION OF THE HYDE COUNTY BOARD OF COMMISSIONERS
TO HONOR THE MEMORY OF TONY SPENCER**

JULY 2, 2018

WHEREAS, Romulus Sanderson Spencer III (Tony) son of R. S. Spencer Jr. of Engelhard and Judy B. Spencer of Winterville, and husband of Jo Ann Spencer was born on May 5, 1967 and passed away on June 3, 2018; and,

WHEREAS, Tony currently served as Senior Emergency Management Specialist at HQ USMC teaching in this country and overseas in Japan and Korea; Engelhard Volunteer Fire Department Chief; Engelhard Sanitary District Chairman; and,

WHEREAS, Tony formerly served as Carteret County Deputy Director of Emergency Services & Director of Emergency Communications and former Hyde County Emergency Manager & Fire Marshal; and,

WHEREAS, Tony was instrumental in acquiring increased funding for OSFM Fire Rescue grants for county-wide fire departments' needs to purchase equipment for operations in February 2017; and,

WHEREAS, Tony was commended for assistance provided during the emergency rescue, firefighting and clean-up along with fellow firefighters during the Ocracoke Fireworks Explosion in July, 2009; and,

WHEREAS, Tony was instrumental in the beginning of Ponzer Volunteer Fire & Rescue Department and assisted the Department with Evans Road Fire in June, 2008; and,

WHEREAS, Tony was commended for improved fire service recruitment and retention of volunteers, funding and improvement of fire service rating in 2006; and,

WHEREAS, Tony remained Emergency Management Director and was assigned Inspection duties and Enforcement Officer for Ocracoke Development Ordinance in 2006; and,

WHEREAS, Tony became Hyde County Emergency Management Coordinator in August, 2004; and,

WHEREAS, Tony graduated Mattamuskeet High School, studied Emergency Management at American Public University and graduated North Carolina State University with a degree in history.

NOW THEREFORE, BE IT RESOLVED, that the Hyde County Board of Commissioners express their deepest sympathy for the family of Tony Spencer and wish to honor him for his thirty plus years of dedicated service to the citizens of Hyde County.

Adopted this the 2nd day of July, 2018 in Hyde County, North Carolina.

ATTEST:

Lois Stotesberry, CMC, NCCCC
Clerk, Hyde County Board of Commissioners

Earl D. Pugh, Jr., Chairman
Hyde County Board of Commissioners

Barry S. Swindell, Vice-chairman

Dick Tunnell, Commissioner

Benjamin Simmons, III, Commissioner

Tom Pahl, Commissioner

**Hyde County Board of Commissioners
AGENDA ITEM SUMMARY SHEET**

Meeting Date: July 2, 2018
Presenter: Jan Moore, Senior Tar Heel Legislature Delegate
Attachment: Yes

ITEM TITLE: SENIOR TAR HEEL LEGISLATURE

SUMMARY: Hyde County NC Senior Tar Heel Legislature Delegate Jan Moore will present report on the June 12-13, 2018 Senior Tar Heel Legislature meeting held in Chapel Hill.

RECOMMEND: Discussion.

Motion Made By: ☐ Earl Pugh, Jr.
☐ Barry Swindell
☐ Dick Tunnell
☐ Ben Simmons
☐ Tom Pahl

Motion Seconded By: ☐ Earl Pugh, Jr.
☐ Barry Swindell
☐ Dick Tunnell
☐ Ben Simmons
☐ Tom Pahl

Vote: ☐ Earl Pugh, Jr.
☐ Barry Swindell
☐ Dick Tunnell
☐ Ben Simmons
☐ Tom Pahl

North Carolina Senior Tar Heel Legislature 2018 Legislative Priorities with OUTCOMES as of June 11, 2018

Increase HCCBG Funding

The North Carolina Home and Community Care Block Grant (HCCBG) is vital to assuring the availability of cost effective home and community-based services to the elderly, the malnourished, homebound, dependent and those who are socially and economically needy. Approximately 10,500 seniors are on the HCCBG waiting list for services and 1.2 million more are expected to turn 60 years of age by the year 2034. This rapidly increasing older adult population of North Carolina places an increased pressure on the service delivery system which is insufficient to meet the current needs of those seeking services. The North Carolina Senior Tar Heel Legislature requests the General Assembly increase the Home and Community Care Block Grant funding by \$7 million dollars in recurring funds.

Outcome:

Increase in federal funding:	\$3,934,394 (recurring)
Increase in state budget (transfer of funds from the Social Services Block Grant):	<u>\$1,000,000 (recurring)</u>
Total	\$4,934,394

Increase Funding for Senior Centers

Increase funding for Senior Centers by an additional \$300,000 in recurring funds. There are 164 Senior Centers in 97 counties that provide programs and services to enhance the health and wellness of older adults. These services are of significant benefit to help elders remain independent, thus delaying their potential for costlier services or housing options. Senior Center General Purpose money is vital to support critical center operations. To maintain operation, senior centers must leverage resources from a variety of sources that include federal, state and local governments, special events, participant contributions, and grants and volunteer hours. Funding for senior centers has not met the needs of the increasing aging baby boomer's generation who now constitute more than two-thirds of the 50 plus population. It is recommended that the General Assembly increase funding for Senior Centers to continue to meet the vital needs of North Carolina's growing population of older adults.

Outcome:

Four senior centers across the state received one-time funding.

Sustain and Expand Project C.A.R.E.

Project C.A.R.E. (Caregiver Alternative to Running on Empty) was designed and tested in North Carolina. It has become a national best practice model for providing respite services to family members who are caring at home for a relative with Alzheimer's disease or related dementia. The number of North Carolinians affected with these dementias now approximates 160,000, and is expected to exceed 210,000 by 2025. North Carolina must develop methods to both encourage and support families to assist their aging family members and relatives to remain at home. Resulting savings in public funds are substantial. We recommend that the General Assembly increase recurring funding for Project C.A.R.E. in 2018-2019 by ten percent annually and thereafter to meet the expected growth, statewide.

Outcome:

No change as of June 11, 2018.

Strengthen and Fund North Carolina's Adult Protective Services Program (APS)

North Carolina's APS Program must be strengthened and funded in order to respond to the accelerated growth in the State's aging population, some of whom may be at risk of becoming victims of abuse, neglect or exploitation. The State of North Carolina has not provided any funding for the APS Program since the 2010-2012 State budget. The only funding for the APS Program is provided by county governments and a decreasing federal Social Services Block Grant. We recommend that the North Carolina General Assembly recognize and value its vulnerable and older citizens by making available \$5 million in recurring funds in the State budget to meet the growing need for APS in North Carolina.

Outcome:

The budget bill added one APS and Guardianship Social Worker position to the Division of Aging and Adult Services. The budget bill also included \$987,309 from the Social Services Block grant (federal funding) for DSS's to provide additional guardianship services across the State.

Reestablish the Study Commission on Aging

The General Assembly of the State of North Carolina created The North Carolina Study Commission on Aging in 1987 to study and evaluate the delivery of services to older adults and recommend improvements that would meet their current and future needs. In 2011, this commission was repealed, creating an information gap between the older adults in need of assistance and organizations concerned with meeting those needs. The North Carolina Senior Tar Heel Legislature requests the North Carolina General Assembly reestablish the North Carolina Study Commission on Aging.

Outcome:

The Joint Legislative Oversight Committee on Health and Human Services has designated a Subcommittee on Aging which began meeting in November of 2017 and will continue meeting after the short session in 2018.

Hyde County Board of Commissioners
AGENDA ITEM SUMMARY SHEET

Meeting Date: July 2, 2018
Presenter: Viola Williams
Attachment: Yes – Session Law 2018-112

ITEM TITLE: Early Voting Changes by the NC General Assembly

SUMMARY: Changes to early voting schedules cleared the General Assembly recently. The legislation will go to Governor Roy Cooper after party-line 61-40 and 23-11 votes in the House and the Senate, respectively.

The proposal sets up a 17 day early voting period that runs from mid October to the Friday before Election Day, eliminating voting on the final Saturday before Election Day. It also would require all early voting sites to be open 7 a.m. to 7 p.m. on weekdays during the period. Counties could set their own weekend hours, but all sites would have to be open those hours.

RECOMMEND: DISCUSS

Motion Made By: ☐ Earl Pugh, Jr.
☐ Barry Swindell
☐ Dick Tunnell
☐ Ben Simmons
☐ Tom Pahl

Motion Seconded By: ☐ Earl Pugh, Jr.
☐ Barry Swindell
☐ Dick Tunnell
☐ Ben Simmons
☐ Tom Pahl

Vote: ☐ Earl Pugh, Jr.
☐ Barry Swindell
☐ Dick Tunnell
☐ Ben Simmons
☐ Tom Pahl

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

SESSION LAW 2018-112
SENATE BILL 325

AN ACT TO SET HOURS FOR ONE-STOP EARLY VOTING SITES AND TO REQUIRE
COUNTY BOARD OF ELECTIONS TO SUBMIT AN ANNUAL REPORT ON VOTER
LIST MAINTENANCE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 163A-1300(b) reads as rewritten:

"(b) Not earlier than the ~~second Thursday~~third Wednesday before an election, in which absentee ballots are authorized, in which a voter seeks to vote and not later than ~~4:00 P.M.-7:00 P.M.~~ on the last ~~Saturday-Friday~~ before that election, the voter shall appear in person only at the office of the county board of elections, except as provided in G.S. 163A-1303. ~~A county board of elections shall conduct one-stop voting on the last Saturday before the election until 1:00 P.M.~~ That voter shall enter the voting enclosure at the board office through the appropriate entrance and shall at once state his or her name and place of residence to an authorized member or employee of the board and present photo identification in accordance with G.S. 163A-1145. In a primary election, the voter shall also state the political party with which the voter affiliates and in whose primary the voter desires to vote, or if the voter is an unaffiliated voter permitted to vote in the primary of a particular party under G.S. 163A-989, the voter shall state the name of the authorizing political party in whose primary he wishes to vote. The board member or employee to whom the voter gives this information shall announce the name and residence of the voter in a distinct tone of voice. After examining the registration records, an employee of the board shall state whether the person seeking to vote is duly registered. If the voter is found to be registered that voter may request that the authorized member or employee of the board furnish the voter with an application form as specified in ~~G.S. 163-227~~G.S. 163A-1391. The voter shall complete the application in the presence of the authorized member or employee of the board, and shall deliver the application to that person."

SECTION 2. G.S. 163A-1303 reads as rewritten:

"§ 163A-1303. Sites and hours for one-stop voting.

(a) Notwithstanding any other provision of G.S. 163A-1300, 163A-1301, 163A-1302, this section, and G.S. 163A-1304, a county board of elections by unanimous vote of all its members may provide for one or more sites in that county for absentee ballots to be applied for and cast under these sections. Every individual staffing any of those sites shall be a member or full-time employee of the county board of elections or an employee of the county board of elections whom the board has given training equivalent to that given a full-time employee. Those sites must be approved by the State Board as part of a Plan for Implementation approved by both the county board of elections and by the State Board which shall also provide adequate security of the ballots and provisions to avoid allowing persons to vote who have already voted. The Plan for Implementation shall include a provision for the presence of political party observers at each one-stop site equivalent to the provisions in G.S. 163A-821 for party observers at voting places on election day. A county board of elections may propose in its Plan not to offer one-stop voting at the county board of elections office; the State Board may approve that proposal in a Plan only if the Plan includes at least one site reasonably proximate to the county board of elections office



and the State Board finds that the sites in the Plan as a whole provide adequate coverage of the county's electorate. If a county board of elections has considered a proposed Plan or Plans for Implementation and has been unable to reach unanimity in favor of a Plan, a member or members of that county board of elections may petition the State Board to adopt a plan for it. If petitioned, the State Board may also receive and consider alternative petitions from another member or members of that county board. The State Board may adopt a Plan for that county. The State Board, in that plan, shall take into consideration factors including geographic, demographic, and partisan interests of that county. ~~Any plan adopted by either the county board of elections or the State Board under this subsection shall provide for the same days of operation and same number of hours of operation on each day for all sites in that county for that election. The requirement of the previous sentence does not apply to the county board of elections office itself nor, if one-stop voting is not conducted at the county board of elections office, to the reasonably proximate alternate site approved under this subsection.~~

...

(c) For all sites approved for one-stop voting under this section, a county board of elections shall provide the following:

- (1) Each one-stop site across the county shall be open at that same location during the period required by G.S. 163A-1300(b).
- (2) If any one-stop site across the county is opened on any day during the period required by G.S. 163A-1300(b), all one-stop sites shall be open on that day.
- (3) On each weekday during the period required by G.S. 163A-1300(b), all one-stop sites shall be open from 7:00 A.M. to 7:00 P.M.
- (4) If the county board of elections opens one-stop sites on Saturdays during the period required by G.S. 163A-1300(b), then all one-stop sites shall be open for the same number of hours uniformly throughout the county on those Saturdays.
- (5) If the county board of elections opens one-stop sites on Sundays during the period required by G.S. 163A-1300(b), then all one-stop sites shall be open for the same number of hours uniformly throughout the county on those Sundays."

SECTION 3. G.S. 163A-1304 is repealed.

SECTION 4. G.S. 163A-877 is amended by adding a new subsection to read:

"(f) Annual Report on List Maintenance Efforts. – County board of elections shall submit to the State Board an annual report, on or before September 1 of each year, of its list maintenance under this section. The State Board shall compile annual reports received from the county board of elections and submit the reports to the Joint Legislative Elections Oversight Committee on or before October 1 of each year."

SECTION 5. This act is effective when it becomes law.
In the General Assembly read three times and ratified this the 15th day of June, 2018.

s/ Bill Rabon
Presiding Officer of the Senate

s/ David R. Lewis
Presiding Officer of the House of Representatives

VETO Roy Cooper
Governor

Became law notwithstanding the objections of the Governor at 11:00 a.m. this 27th day of June, 2018.

s/ James White
House Principal Clerk

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NCGA Week in Review - Jun 15, 2018

McGuireWoods LLP

USA | June 15 2018

The legislature was very busy this week as leadership looks ahead to adjournment. The House voted to override the Governor's budget veto, and gave its final approval to legislation that would change various alcohol regulations. Also, House and Senate leaders considered more state constitutional amendments, and both chambers gave their final approval to a bill that would make comprehensive changes to various judicial districts and divisions.

House Overrides Governor's Budget Veto

The House vote to override the Governor's veto of SB 99: Appropriations Act of 2018 on Tuesday, and the budget is now law. The vote was split along party lines, with one Democrat, Rep. Duane Hall (D-Wake) voting with the Republican majority. The Senate voted to override the Governor's veto late last week. Republicans have super majorities in both chambers, which allows them to reach the three-fifths threshold to override a gubernatorial veto.

Omnibus Alcohol Law Changes

The House gave final approval to legislation that would make various changes to state alcohol laws. Sponsored by Reps. Chuck McGrady (R-Henderson), Bill Brawley (R-Mecklenburg), Jon Hardister (R-Guilford), and Pricey Harrison (D-Guilford), HB 500: ABC Omnibus Legislation would allow the sale and consumption of alcoholic beverages at a raffle held by a non-profit, adjust the alcohol franchise laws, and defines "sports and entertainment venue" for purposes of alcoholic beverage sales. The bill now heads to the Governor for his approval.

Early Voting Changes

SB 325: The Uniform & Expanded Early Voting Act passed its third reading in the House on Friday. The legislation received a favorable report from the House Rules Committee earlier this week. If signed into law, the bill would establish uniform early voting hours and days for the entire state. Furthermore, county polls would be required to be open for twelve hours a day for seventeen days starting in mid-October. The polls would close Friday before Election Day, which will be held on Tuesday, November 6th. Also, the law would require a county to open all election poll locations if a single one-stop voting poll location is open.

Income Tax Constitutional Amendments

House Finance Committee gave a favorable report to legislation that would add another constitutional amendment to the ballot in November. SB 75: Const. Amd.-Max. Income Tax Rate of 5.5%, sponsored by Sens. Tommy Tucker (R-Union), Jerry Tillman (R-Randolph), and former Sen. Andrew Brock (R-Davie), proposes to amend the North Carolina Constitution to state that the state income tax shall not exceed 5.5%. Currently, the state income tax rate is lower than 5.5%. The bill now heads to the House Rules Committee.

Senate Approves Farm Act of 2018

The Senate voted 33-13 late Monday night in favor of S711: Farm Act of 2018. Sponsored by Senator Brent Jackson (R- Duplin, Johnston, Sampson) the bill provides protections to N.C. farmers from nuisance lawsuits. The vote comes after days of debate on the Senate floor while farmers from across the state observed from the gallery. Under the bill, a nuisance lawsuit could not be filed unless it is done within a year of the establishment of the agriculture or forestry operation. The bill is described by the bill sponsor to protect small family farms. There was a provision added which prohibits soy, almond, coconut and other plant-based milk suppliers from labeling their products as "milk" in North Carolina.

I-77 Tolls

An amendment added to H1029: DOT/DMV Legislative Requests from Sen. Jeff Tarte (R-Mecklenburg) would allow the Department of Transportation and Gov. Cooper to spend up to \$620 million to modify or cancel the Interstate 77 toll lanes contract. The project was said to have the potential to hurt the economic development of the Charlotte-Meck area.

Opioid Legislation

The Senate voted in favor 41-3 on Senate Bill 616: Heroin & Opioid Prevention & Enforcement Act also known as the HOPE Act. This legislation is an effort by the General Assembly to crack down on heroin and opioid addiction across the state. It would allow an investigator to get records from the state's controlled substance abuse database with no court order or warrant. The bill also includes a measure that make it a felony for medical professionals to embezzle medicine from their patients for personal use or illicit sale.

Bills Filed This Week

A list of House bills filed on Monday is available [here](#). A list of House bills filed on Tuesday is available [here](#). A list of House bills filed on Wednesday is available [here](#). A list of House bills filed on Thursday is available [here](#).

A list of Senate bills filed on Monday is available [here](#). A list of Senate bills filed on Tuesday is available [here](#). A list of Senate bills filed on Wednesday is available [here](#). A list of Senate bills filed on Thursday is available [here](#).

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